

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No. **BUCK-1001US**

In Re Application Of: **Christine Buckley**

FEB 17 2004

Serial No.
10/626,311

Filing Date
July 24, 2003

Examiner
Not Yet Known

Group Art Unit
Not Yet Known

Title: **EXERCISE RUG WITH CONTOURS**

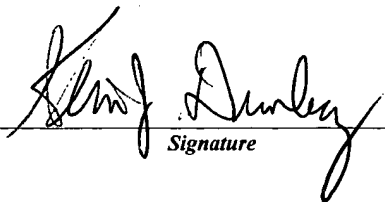
TO THE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE:

Transmitted herewith is:

Petition To Make Special Under 37 C.F.R. 1.102 and check in the amount of \$130.00

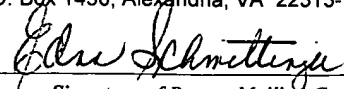
in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: **February 12, 2004**

I certify, that this document and fee is being deposited on **2/12/04** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

EDNA SCHMITTINCK

Typed or Printed Name of Person Mailing Correspondence

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	
Christine Buckley	:	
	:	Group Art Unit:
Application No.	:	Not Yet Known
10/626,311	:	
	:	Examiner:
Filing Date:	:	Not Yet Known
July 24, 2003	:	
	:	Docket No.:
For: Exercise Rug With Contours	:	BUCK-1001US

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.102 and accompanied by the fee of \$130.00 set forth in 37 C.F.R. § 1.17(h), Applicant hereby Petitions to Make Special the instant Application.

If any additional fee is due, the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I certify that this document, along with any document referred to as being attached, is being deposited with the U.S. Postal Service on **February 12, 2004** as first class mail under 37 C.F.R. §1.8 and is addressed to Mail Stop Petition, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EDNA SCHMITTINGER
Name of person signing document

Edna Schmittinger
Signature of person signing document

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Applicant respectfully requests that the instant Application be made special because Applicant has complied with the requirements listed in MPEP § 708.02 (VIII) for accelerated examination.

Applicant has made a pre-examination search of the prior art. Applicant has conducted a keyword search of the United States Patent Office Database online databases of both issued U.S. patents from 1976 to the present, and the published U.S. patent applications, using the following keywords: yoga, mat, yoga mat, exercise, exercise mat, yoga rug and exercise rug. The references located by the searched and deemed most closely related to the subject matter of the claims of the present application are discussed below.

Resubmission of copies of the references is not required for this petition since the references are already of record in the present application by virtue of the fact that the applicant has already submitted one copy of the references in a timely-filed Information Disclosure Statement submitted under 37 C.F.R. §1.97((b)(3) on October 27, 2003. Applicant provides below a detailed discussion of these already submitted references.

U.S. Patent No. 5,115,527 to Medley (hereinafter “the ‘527 patent”). The ‘527 patent discloses a sore prevention mattress. The sore prevention mattress may be in the form of a cushion or exercise mat. See col. 3, lines 6-8. The device 1 comprises an integral foam plastic body. See col. 2, lines 23-25. Device 1 is made of elongate support elements 3 separated from each other by air channel 4. See Fig. 1.

Independent claim 1 of the present application requires a “woven rug portion.” The ‘527 patent is not made of a woven material; instead device 1 is made of foam plastic. Claim 1 further requires that “there are sufficient contours to provide increased traction between said contoured surface portion and another surface, when said rug is positioned with said contoured surface portion on said other surface, relative to traction provided by a non-contoured surface portion of said woven rug portion on said other surface, when said non-contoured surface portion of said woven rug portion is positioned on said other surface.” The ‘527 patent does not disclose a device including this element of claim 1 of the present application. Instead, the ‘527 patent has elongate support elements 3 to prevent sores. Therefore, the device of the ‘527 patent does not meet every limitation of claim 1 of the present application.

U.S. Patent No. 6,062,930 to Smith (hereinafter “the ‘930 patent”) discloses a recreational mat 10. Mat 10 can be used for exercise purposes. See col. 3, lines 10-15. Mat 10 is comprised a

plurality of floatation bodies 12 and 14 that are stitched together. Mat 10 is further constructed from a cover that is made of nylon fabric material. See col. 3, line 39. The perimeter is stitched together. See col. 3, line 47.

Independent claim 1 of the present application requires a “woven rug portion.” The recreational mat of the ‘930 patent is not made of a woven material; instead mat 10 is made from floatation bodies 10 and 12 that are stitched together. Claim 1 further requires that “there are sufficient contours to provide increased traction between said contoured surface portion and another surface, when said rug is positioned with said contoured surface portion on said other surface, relative to traction provided by a non-contoured surface portion of said woven rug portion on said other surface, when said non-contoured surface portion of said woven rug portion is positioned on said other surface.” The ‘930 patent does not disclose a device that includes this element of claim 1 of the present application. Therefore, the device of the ‘930 patent does not meet every limitation of claim 1 of the present application.

U.S. Patent No. 5,551,934 to Binette (hereinafter “the ‘934 patent”) discloses a portable exercise mat that can be configured as either an enlarged mat system 10, as shown in Fig. 1, or as a compact portable device 21, as shown in Fig. 2. As shown in Fig. 3, rearward mat section 22 is made of a composite structure including lower foam layer 80 and upper foam layer 82. The ‘934 patent describes the exercise mat as “flat” and “planar.” See col. 2, line 40 and 48.

Independent claim 1 of the present application requires a “woven rug portion.” The portable exercise mat ‘934 patent does not appear to be made of a woven material; instead the device is made of foam. Claim 1 further requires that “there are sufficient contours to provide increased traction between said contoured surface portion and another surface, when said rug is positioned with said contoured surface portion on said other surface, relative to traction provided by a non-contoured surface portion of said woven rug portion on said other surface, when said non-contoured surface portion of said woven rug portion is positioned on said other surface.” The ‘934 patent does not disclose a device having this element of claim 1 of the present application. Instead, the ‘934 patent describes the mats as planar, or flat, suggesting no contours to provide improved traction. Therefore, the device of the ‘934 patent does not meet every limitation of claim 1 of the present application.

U.S. Patent No. 4,421,110 to DeLisle et al. (hereinafter “the ‘110 patent”) discloses an exercise mat 1. Mat 1 has massage elements 6 spaced along the length of mat 1. Massage elements

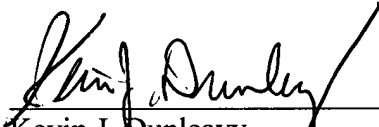
6 are knob-like projections. See col. 3, line 8. Mat 1 is made by conventional plastic and elastomer fabrication techniques. See col. 3, lines 38-45.

Independent claim 1 of the present application requires a "woven rug portion." The '110 patent is not made of a woven material; instead the device is made of plastic. Therefore, the device of the '110 patent does not meet every limitation of claim 1.

Favorable consideration and granting of the present petition to make the above-identified application special is respectfully requested.

Respectfully submitted,

Date: February 12, 2004



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